

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address) Patrick C. McGarrigle, Esq., SBN 149008 Michael J. Kenney, Esq., SBN 192775 MCGARRIGLE, KENNEY & ZAMPIELLO, APC 9600 Topanga Canyon Boulevard, Suite 200 Chatsworth, California 91311 ATTORNEY FOR LIEN CLAIMANT:	TELEPHONE NO.: (818) 998-3300  <b>FOR COURT USE ONLY</b>
NAME OF COURT: United States District Court, Eastern District of Texas STREET ADDRESS: 100 East Houston Street, Room 125 MAILING ADDRESS: 100 East Houston Street, Room 125 CITY AND ZIP CODE: Marshall, Texas 75670 BRANCH NAME: The Marshall Division	
PLAINTIFF: RMAIL LIMITED  DEFENDANT: AMAZON.COM, INC., et al.,	
<b>NOTICE OF LIEN</b> <b>(Attachment—Enforcement of Judgment)</b>	CASE NUMBER: 2:10-CV-00258-JRG (Consolidated) 2:11-CV-299-JRG (Member) 2:11-CV-325-JRG (Member)

**ALL PARTIES IN THIS ACTION ARE NOTIFIED THAT**

1. A lien is created by this notice under
  - a. ☐ Article 3 (commencing with section 491.410) of Chapter 11 of Title 6.5 of Part 2 of the Code of Civil Procedure.
  - b. ☒ Article 5 (commencing with section 708.410) of Chapter 6 of Title 9 of Part 2 of the Code of Civil Procedure. (of California)
2. The lien is based on a
  - a. ☐ right to attach order and an order permitting the creation of a lien (copies attached).
  - b. ☒ money judgment. - (certified copy of Judgment attached).
3. The right to attach order or the money judgment is entered in the following action:
  - a. Title of court (specify): Los Angeles Superior Court - Santa Monica Courthouse
  - b. Name of case (specify): Kenneth Barton v. RPost International Limited, et al.
  - c. Number of case (specify): YC061581
  - d. ☒ Date of entry of judgment (specify): August 30, 2013
  - e. ☐ Dates of renewal of judgment (specify):
4. The name and address of the judgment creditor or person who obtained the right to attach order are (specify):  
 Kenneth Barton c/o McGarrigle, Kenney & Zampiello, APC, 9600 Topanga Canyon Boulevard, Suite 200,  
 Chatsworth, California 91311
5. The name and last known address of the judgment debtor or person whose property is subject to the right to attach order are (specify):  
 RPost International Limited, 6033 West Century Boulevard, #1278, Los Angeles, CA 90045
6. The amount required to satisfy the judgment creditor's money judgment or to secure the amount to be secured by the attachment at the time this notice of lien is filed is  
 \$ 3,820,081.91 as of August 30, 2013
7. The lien created by this notice attaches to any cause of action of the person named in item 5 that is the subject of this action or proceeding and to that person's rights to money or property under any judgment subsequently procured in this action or proceeding.
8. No compromise, dismissal, settlement, or satisfaction of this action or proceeding or any of the rights of the person named in item 5 to money or property under any judgment procured in this action or proceeding may be entered into by or on behalf of that person, and that person may not enforce any rights to money or property under any judgment procured in this action or proceeding by a writ or otherwise, unless one of the following requirements is satisfied:
  - a. the prior approval by order of the court in this action or proceeding has been obtained;
  - b. the written consent of the person named in item 4 has been obtained or that person has released the lien; or
  - c. the money judgment of the person named in item 4 has been satisfied.

**NOTICE** The person named in item 5 may claim an exemption for all or any portion of the money or property within 30 days after receiving notice of the creation of the lien. The exemption is waived if it is not claimed in time.

Date: September 9, 2013

Patrick C. McGarrigle, Esq.

(TYPE OR PRINT NAME)

  
 (SIGNATURE OF LIEN CLAIMANT OR ATTORNEY)

**FILED**

LOS ANGELES SUPERIOR COURT

AUG 30 2013

John A. Clarke, Clerk

By P. Schultz, Deputy

SUPERIOR COURT OF STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

KENNETH BARTON,

Plaintiff,

v.

RPOST INTERNATIONAL  
LIMITED; ET AL.

Defendants.

) CASE NO.: YC061581

) [Related to Case No. YC065259]

) [Assigned to Honorable Stuart M. Rice,  
) Department "B"]

) **JUDGMENT AFTER COURT TRIAL**

) Complaint Filed: January 29, 2010

The Court, having completed all phases of the trial of the instant action, having considered all of the relevant testimony and admitted evidence and the argument of counsel, having received and considered all briefing (before, during and after trial), and for the reasons more fully stated in the Court's Ruling on Punitive Damages and Revisions to Statement of Decision dated June 18, 2013 and the Court's August 3, 2012 Statement of Decision, each incorporated herein, hereby rules and adjudges upon the

1 causes of action in Plaintiff's Third Amended Complaint<sup>1</sup> and enters judgment as  
2 follows:

3 1. Judgment is hereby entered IN FAVOR OF Plaintiff Kenneth Barton  
4 ("**Barton**") and AGAINST Defendants RPost International Limited, Zafar Khan and  
5 Terrance Tomkow, and each of them.

6 2. Plaintiff Barton is awarded and shall recover from Defendants RPost  
7 International Limited, Zafar Khan and Terrance Tomkow, jointly and severally, (a)  
8 compensatory damages (and restitution pursuant to Business and Professions Code  
9 Section 17200) in the net sum of \$2,840,060.00 (share value award of \$3,850,560.00 less  
10 an offset of \$1,000,000.00 pursuant to the Court's approval of Defendants' RPost  
11 International Limited, Zafar Khan and Terrance Tomkow Motion under C.C.P. Section  
12 877(a), and less a \$10,500.00 credit), plus (b) \$100,000.00 in emotional distress  
13 damages, and (c) pre-judgment interest on the damages in Paragraph 2(a), calculated in  
14 accordance with *Newby v. Vroman* (1992) 11 Cal.App.4<sup>th</sup> 283, 290, from June 30, 2009  
15 through the date of entry of Judgment in the sum of \$880,021.91, for a total net damage  
16 and pre-judgment interest award against each of said Defendants RPost International  
17 Limited, Zafar Khan and Terrance Tomkow, jointly and severally, through the date of  
18 entry of judgment in the sum of \$3,820,081.91.

19 3. In addition, and having proven by clear and convincing evidence that the  
20 actions of Defendant Zafar Khan were undertaken with malice, fraud and oppression,  
21 Plaintiff Barton is also awarded and shall recover from Defendant Zafar Khan punitive  
22 damages in the sum of \$250,000.00.

23 4. In addition, and having proven by clear and convincing evidence that the  
24 actions of Defendant Terrance Tomkow were undertaken with malice, fraud and  
25

26

27

28 <sup>1</sup> The Fourth and Sixth Causes of Action were omitted from Plaintiff's Third Amended  
Complaint in accordance with prior rulings on motions addressed to prior pleadings.

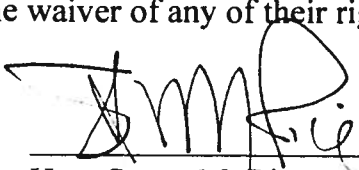
1 oppression, Plaintiff Barton is also awarded and shall recover from Defendant Terrance  
2 Tomkow punitive damages in the sum of \$150,000.00.

3 5. Plaintiff Barton shall recover nothing from Defendants Carole Krechman  
4 and Ellsworth Roston; Though Defendants Krechman and Roston are prevailing parties,  
5 the Court determines that they shall not be and are not awarded costs (other than for their  
6 first appearance filing fees and motion filing fees) for the reasons stated by the Court at  
7 the August 30, 2013 hearing in this matter.

8 6. The Court determines and orders that Plaintiff Barton is the prevailing party  
9 in the litigation. Plaintiff Barton is, therefore, also awarded and shall recover from  
10 Defendants RPost International Limited, Zafar Khan and Terrance Tomkow, jointly and  
11 severally, his costs, per memorandum of costs and any post-judgment order(s) of this  
12 Court. Nothing herein shall preclude Plaintiff Barton from moving the Court for an  
13 award of attorneys' fees under law.

14 7. Both parties have assisted in the drafting of this judgment and approve  
15 same as to form and content, without the waiver of any of their rights.

16  
17 Dated: August 30 2013

18   
19 Hon. Stuart M. Rice  
20 Judge of the Superior Court



THE DOCUMENT TO WHICH THIS  
CERTIFICATE IS ATTACHED IS A FULL, TRUE  
AND CORRECT COPY OF THE ORIGINAL ON  
FILE AND OF RECORD IN MY OFFICE.

SEP - 3 2013  
Attest, JONNA A. CLARKE,  
Executive Officer / Clerk of the Superior Court of  
California, County of Los Angeles

By D. Beckle Deputy

D. Beckle

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Patrick C. McGarrigle